

Civil Enforcement Case Report

Civil Enforcement Case

Basic Information

Case Number: 07-2013-0196
Case Name: ARCHER DANIELS MIDLAND COMPANY, INC
Case Category: Judicial
Case Status (as of 09/30/2016): Closed
Case Lead: EPA
Court Docket Number: 3:14-cv-00089 SMR-RAW
DOJ Docket Number: 90-5-1-1-110893

Relief Sought: --

Enforcement Outcome: Final Order With Penalty

Headquarters Division: --

Branch: --

Result of Voluntary Disclosure? No

Multi-media Case? --

Enforcement Type: Civil Judicial Action

Violations: Failure To Have Adequate SPCC Plan,
Violation Of A Permit Requirement

Penalties – Case Level

Total Federal Penalty Assessed or Agreed To: \$430,000

Total State/Local Penalty Assessed: \$0

Total SEP Cost: \$0

Total Compliance Action Cost: \$100,000

Total Cost Recovery: \$0

Case Summary

THIS REFERRAL DESCRIBES HOW ADM VIOLATED SECTION 311(J) OF THE CWA AND 40 C.F.R. PART 112 WHEN IT FAILED TO DEVELOP, SUBMIT TO EPA, AND IMPLEMENT FRPS AT FIVE FACILITIES IN REGION 7. THESE FACILITIES ARE LOCATED IN CEDAR RAPIDS, IOWA (THE CEDAR RAPIDS FACILITY); COLUMBUS, NEBRASKA (THE COLUMBUS FACILITY); DES MOINES, IOWA (THE DES MOINES FACILITY); MEXICO, MISSOURI (THE MEXICO FACILITY); AND DEERFIELD, MISSOURI (THE DEERFIELD FACILITY). THE TOTAL ESTIMATED STORAGE CAPACITY OF OIL PRODUCTS AT THESE FIVE FACILITIES, THAT EACH OPERATED WITHOUT REQUIRED FRPS IN PLACE FOR EXTENDED PERIODS OF TIME, IS OVER 36 MILLION GALLONS. ADDITIONALLY, EPA CONDUCTED INSPECTIONS AT ADM'S COLUMBUS AND CEDAR RAPIDS FACILITY IN 2011 THAT DOCUMENTED VIOLATIONS OF THE INDUSTRIAL STORMWATER REQUIREMENTS OF SECTION 402(P) OF THE CWA. LASTLY, A 2012 INSPECTION OF THE DEERFIELD FACILITY DOCUMENTED VIOLATIONS OF SECTION 402(A) OF THE CWA.

Laws and Sections

Law	Sections	Programs
CWA	301/402, 311J	NPDES Permit Violations, SPCC and/or Federal Response Plan Violations

Citations

Title	Part	Section
No data records returned		

Facilities

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110000448043	ARCHER DANIEL MIDLAND COMPANY	3000 E 8TH STREET	COLUMBUS	NE	68601	2046 2869	311221 325193
110010507503	ADM COMPANY	1350 WACONIA AVENUE SW	CEDAR RAPIDS	IA	52404	2046 2869	311221
110017981656	ARCHER DANIELS MIDLAND SOYBEAN PROCESSING PLANT	400 EAST HOLT STREET	MEXICO	MO	652652971	2024 2075	311222
110033021888	ARCHER DANIELS MIDLAND COMPANY (ADM)	17700 SOUTH T HIGHWAY	DEERFIELD	MO	64741	1629 2075	238910
110067425799	ARCHER DANIELS MIDLAND SOYBEAN PROCESSING	1935 E. EUCLID AVE.	DES MOINES	IA	503160385	2075	311224

Defendants

Defendants and Settlements	In Complaint	In Settlement
ARCHER DANIELS MIDLAND COMPANY	Y	Y

Related Case Documents

Document	Facility Name	Publish Date	EPA Program
No data records returned			

Case Milestones

Event	Actual Date
Referred To Dept Of Justice	05/01/2013
Enforcement Action Data Entered	09/04/2013
Complaint Filed With Court	07/29/2014
Final Order Lodged	07/29/2014
Final Order Entered	09/30/2014
Enforcement Action Closed	09/30/2016
Pipeline Closed	09/30/2016

Pollutants

Pollutant Name	Chemical Abstract Number
Chemical oxygen demand [COD]	--
Fuel oil, no. 2	68476302

Related Activities

Description	Actual Date
No data records returned	

Final Order 1

Final Order Type: Consent Decree or Court Order Resolving a Civil Judicial Action
Final Order Name: ARCHER DANIELS MIDLAND COMPANY, INC
Linked Facilities (FRS ID): 110000448043, 110010507503, 110017981656, 110033021888, 110067425799
Final Order Lodged Date: 07/29/2014
Final Order Entered Date: 09/30/2014
Enforcement Action Closed Date: 09/30/2016
Actual Termination Date: 09/30/2016

Penalties/SEPs/Cost Recovery Amounts

Federal Penalty Assessed or Agreed To: \$430,000

State/Local Penalty Assessed: --

SEP Value: --

Compliance Action Cost: \$100,000

Federal Cost Recovery Awarded: \$0

Complying Actions

Complying Action ID	Category	Description
3400017216	Prevention of Future Releases	Plan Implementation
3400017218	Reduction of Ongoing Releases	NPDES Process Change

Supplemental Environmental Projects

SEP ID	Category	SEP Value	Description
No data records returned			

Pollutant Reductions

Resulting From	Pollutant	Annual Amount	Units	Media Affected
CA ID 3400017216	Fuel oil, no. 2	35,000,000	gal	Water (navigable/surface)
CA ID 3400017218	Solids, total suspended	145,822	lbs	Water (navigable/surface)
CA ID 3400017218	BOD, 5-day, dissolved	16,891	lbs	Water (navigable/surface)